

ELECTRONICALLY FILED

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*Attorneys for Defendants City of Hoboken, Mayor Dawn Zimmer,
John Morgan, Hector Mojica, Tia Bryant, Mellissa Longo,
Jon Tooke and Michael Korman*

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Plaintiff

GREGORY SHERRILL

vs.

Defendant(s)

CITY OF HOBOKEN, MAYOR DAWN
ZIMMER, JOHN MORGAN, HECTOR
MOJICA, TIA BRYANT, MELLISSA
LONGO, JON TOOKE, MICHAEL
KORMAN, QUENTIN WIEST, KIMBERLY
WILSON, NITA RAVAL and JOHN DOES
1-10 (who are fictitiously named
because their true identities
are unknown)

Civil Action No.:

On Notice of Removal from:

Superior Court of New Jersey, Law
Division, Hudson County,
Consolidated Actions bearing Docket
Nos. HUD-L-3153-14 and HUD-L-1635-
16

Defendants City of Hoboken, Mayor
Dawn Zimmer, John Morgan, Hector
Mojica, Tia Bryant, Mellissa Longo,
John Tooke and Michael Korman's
Notice of Removal pursuant to 28
U.S.C. §1441 et seq.

TO: Donald F. Burke, Esq.
Law Office of Donald F. Burke
45 Gale Road
Brick, New Jersey 08723

ON NOTICE TO: Michael A. Cifelli, Esq.
Florio Kenny, Raval, LLP
5 Marine View Plaza
Suite 103
Hoboken, New Jersey 07030
*Attorneys for Defendants Kimberly Wilson and
Nita Raval*

PLEASE TAKE NOTICE that Defendants *City of Hoboken, Mayor Dawn Zimmer, John Morgan, Hector Mojica, Tia Bryant, Mellissa Longo, John Tooke and Michael Korman*, pursuant to 28 U.S.C. §§ 1441 and 1446, remove these consolidated actions from the Superior Court of New Jersey to the United States District Court for the District of New Jersey, Newark Vicinage.

PLEASE TAKE FURTHER NOTICE that the grounds for removal are as follows:

1. The original Complaint in this matter was filed on July 17, 2014 by Plaintiff Gregory Sherrill in the Superior Court of New Jersey, Hudson County, under Docket No. HUD-L-3153-14.
2. Thereafter, on October 19, 2014, Plaintiff filed his First Amended Complaint adding Mellissa Longo as a Defendant.
3. Plaintiff subsequently filed a separate Complaint in the Superior Court of New Jersey, Law Division, Hudson County, under Docket No. HUD-L-1653-16. This Separate Complaint added Defendants Tooke, Korman, Wiest, Wilson and Raval, and it also asserted a cause of action pursuant to 42 U.S.C. §1983.
4. Defendants the City of Hoboken, Mayor Dawn Zimmer, John Morgan, Hector Mojica, Tia Bryant, Mellissa Longo, John Tooke and Michael Korman were served with this 2016 Complaint on April 28, 2016.

5. On May 27, 2016, the Superior Court of New Jersey granted Plaintiff's Motion consolidating the matters bearing Docket Nos. HUD-L-1635-16 and HUD-L-3153-14.
6. The consolidated Complaints contain the identical first two causes of action (an alleged violation of the NJLAD and an alleged violation of the New Jersey Civil Rights Act). The Complaint bearing Docket No. HUD-L-1653-16 alleges a cause of action pursuant 42 U.S.C. § 1983. Accordingly, since the consolidated matters now allege a federal statutory cause of action pursuant to 42 U.S.C. §1983, these Defendants hereby file this Notice of Removal as to the consolidated matters in their entirety.
7. This Notice of Removal is timely filed within thirty (30) days of the date on which these Defendants received a copy of the 2016 Complaint as is required by 28 U.S.C. § 1446(b). Thirty-days from April 28, 2016 is May 28, 2016, which is a Saturday. Pursuant to Federal Rule of Civil Procedure 6(a), the "file-by" date is carried until May 31, 2016.
8. The Complaint bearing Docket No. HUD-L-1635-16 seeks economic and non-economic damages, attorney's fees, and costs of suit for allegedly violating Plaintiff's rights secured by the United States Constitution.

9. The United States District Court has original subject matter jurisdiction pursuant to 28 U.S.C. §1331 (federal question-claim made pursuant to 42 U.S.C. § 1983).
10. Plaintiff has demanded a jury trial in the State Court actions.
11. These Defendants reserve the right to raise all defenses and objections to the state court action after it is removed to the District Court.
12. In accordance with 28 U.S.C. §1446(a), a copy of all pleadings mailed to Defendant are attached to this Notice of Removal. Said Pleadings are annexed as the following Exhibits:
 - A. Complaint bearing Docket No. HUD-L-3153-14;
 - B. First Amended Complaint bearing Docket No. HUD-L-3153-14;
 - C. Notice of Motion to Dismiss in Lieu of Answer;
 - D. Order Denying Defendants' Motion to Dismiss;
 - E. Answer to First Amended Complaint;
 - F. Notice of Motion to Quash Subpoenas;
 - G. Order denying Motion to Quash Subpoenas;
 - H. Notice of Motion to Compel the City of Hoboken to provide more specific discovery responses;
 - I. Order denying Plaintiff's Motion to Compel the City of Hoboken to provide more specific discovery responses;

- J. Notice of Motion to Compel Compliance with Subpoenas;
 - K. Order compelling compliance with subpoenas;
 - L. Complaint and Jury Demand bearing Docket No. HUD-L-1635-16;
 - M. Notice of Motion to Consolidate;
 - N. Order consolidating actions bearing Docket Nos. HUD-L-3153-14 and HUD-L-1635-16;
 - O. Notice of Motion to Amend (with supplemental Certification); and
 - P. Notice of Motion to Compel and Extend Discovery.
13. These Defendants have provided a true and complete copy of this Notice of Removal to Plaintiff's counsel, as well as counsel for the remaining Defendants, and these Defendants have filed a true and complete copy of this Notice of Removal with the Superior Court of New Jersey, Hudson County, pursuant to 28 U.S.C. §1446(d).

HANRAHAN PACK, LLC
*Attorneys for Defendants City of
Hoboken, Mayor Dawn Zimmer, John
Morgan, Hector Mojica, Tia Bryant,
Mellissa Longo, John Tooke and
Michael Korman*

By: /s/ Thomas B. Hanrahan
THOMAS B. HANRAHAN, ESQ.

Dated: May 31, 2016